



**SCOTTSDALE DEVELOPMENT REVIEW BOARD
KIVA - CITY HALL
3939 N. DRINKWATER BOULEVARD
JANUARY 23, 2003
APPROVED MINUTES**

PRESENT: Ned O'Hearn, Councilman
Raymond Potter, Vice Chairman
E.L. Cortez, Design Member
Anne Gale, Design Member
Michael Schmitt, Design Member
Mark Soden, Design Member

ABSENT: Charles Lotzar, Planning Commission Member

STAFF: Tim Curtis
Suzanne Gunderman
Jayna Shewak
Kira Wauwie
Al Ward

CALL TO ORDER

The regular meeting of the Scottsdale Development Review Board was called to order by Councilman O'Hearn at 1:05 p.m.

ROLL CALL

A formal roll call confirmed members present as stated above.

OPENING STATEMENT

COUNCILMAN O'HEARN read the opening statement that describes the role of the Development Review Board and the procedures used in conducting this meeting.

MINUTES APPROVAL

January 9, 2003 Development Review Board Minutes

VICE CHAIRMAN POTTER MADE A MOTION TO APPROVE THE JANUARY 9, 2003 MINUTES AS PRESENTED. SECOND BY MR. CORTEZ.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

EXPEDITED AGENDA

70-DR-2002 Ironwood Office Suites Phase II
 Site Plans and elevations
 10149 N. 92nd Street
 DFD Cornoyer Hedrick, Architect/Designer

VICE CHAIRMAN POTTER MOVED TO APPROVE CASE 70-DR-2002 WITH THE ATTACHED STIPULATIONS. SECOND BY MR. CORTEZ.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

REGULAR AGENDA

73-DR-2002 Villas Verona
 Site plan and elevations
 SEC of 142nd Street & Shea Blvd
 Galloway Group, Architect/Designer

MR. CURTIS presented this case as per the project coordination packet. Staff recommends approval subject to the attached stipulations.

(COUNCILMAN O'HEARN OPENED PUBLIC TESTIMONY.)

JOHN WILLIAMS 10054 N. 142nd Way, stated he lives adjacent to the development. He further stated he is a member of the homeowners association and they have worked very closely with the developer on this project. He noted he is not here to speak in opposition to this project. However, he put the card in because he wanted to have information on the color palette before they sign off on this project.

COUNCILMAN O'HEARN requested staff to pass the colors to Mr. Williams to allow his group to review them while the Applicant made his presentation.

(COUNCILMAN O'HEARN CLOSED PUBLIC TESTIMONY.)

JASON WALBORN, Walborn & Associates Inc., stated he is the consultant to the developer through this process. He presented a brief history on the development. He reviewed the site plan and elevations. He provided an overview of the traffic circulation throughout the project. He reported the colors and roof materials would complement the architectural style of the surrounding neighborhood. He further reported the landscape treatment along the buildings and exterior of the property will conform to ESLO requirements. He noted they are requesting approval to go into the undisturbed area and increase the level of vegetation. He further noted individual trash containers will be kept in covered enclosures adjacent to the garages. Mr. Walborn commented the application for rezoning did include amended development standards, which the community was in favor of. He concluded they enjoyed working with the community.

MR. SODEN inquired if they were proposing to build a wall around the water facility. Mr. Walborn replied in the affirmative. They are proposing to enclose the water facility with a six foot stucco wall. He noted they are working with John Williams to match their fence to his wall. Mr. Soden inquired if they have any idea what the gates would look like as you enter the water facility. Mr. Walborn replied at this point they have not designed the gates. Mr. Soden stated he would suggest anything but a thin slatted wood solution.

MR. SODEN stated the applicant talked about the relationship of the signage on the corner of East Arabian and 142nd Street to the signage across the street. He inquired if there was any relationship of the two walls to each other. The other wall is on East Arabian. Mr. Walborn discussed what they are proposing for the walls. He replied their goal is to mirror the image of the two walls by using the same colors and material.

COUNCILMAN O'HEARN requested Mr. Williams to indicate if he is in agreement with the applicant extending the wall to his property and the proposed colors.

MR. WILLIAMS stated he felt the issue of the wall extension was between him and the developer. He further stated they have a meeting scheduled today to discuss that issue. He reported no one had any issues with the proposed colors. He inquired how the colors would be integrated within the community. Mr. Walborn stated the colors would vary through out the site.

Mr. Williams stated the applicant has proposed mixing the colors of the doors with brown and green. He further stated he would suggest just using brown for the doors.

Mr. Williams noted they support the plan to enhance and save the mature cactus.

MR. CORTEZ inquired about the anticipated width of the scenic easement along Shea. Mr. Walborn stated they have been stipulated to have a 75-foot width.

MR. SODEN requested they add a stipulation requiring landscaping on the west side of the Scottsdale Water Facility, screen at least a corner of the fencing, and leave the driveway access open. Mr. Walborn stated they would agree to that stipulation.

MR. SCHMITT inquired if the setbacks along the street are consider side yard or rear yard for this type of development. Mr. Curtis stated those areas between the multi-family district and the single-family district is not defined as rear or side yard setbacks. Mr. Schmitt stated what brought that to his attention is it appears on the south side of East Arabian Park Drive there is a wider landscape strip between the curb and street and wall then on this side and he could not find anything that would define those yards. Mr. Walborn stated what he sees on the south side of East Arabian Park Drive is an additional landscape element not the building setback. It was actually a separate tract of property created during Saddle View development.

MR. SODEN noted they do not have any landscape at all between the back of the sidewalk and the wall or view fence. Mr. Walborn reviewed the preliminary landscape plan. He noted the community has requested that they provide an individual landscape buffer between the back of the block fence so they have placed on the site plan a minimum of two feet of landscaping be placed back of the sidewalk and fence line.

Mr. Soden suggested the applicant place two gates along East Arabian Park Drive and 142nd Way. Mr. Walborn reported the concept is for the homeowners to enter the development through a gate entry feature and park within his/her garage while guests will park in open parking spaces and walk around to the entries on the front and sides of the building. He further reported the community had a strong desire to prevent the possible situation of parallel parking on the two streets as well as keeping everyone contained in the community. The wrought iron fences allows the focus to be on the front door element. Mr. Soden stated he would suggest they add two additional gates to help service gates 5 and 6 and 9 and 10.

MR. SODEN MOVED TO APPROVE CASE 73-DR-2002 WITH THE ADDED STIPULATION RELATED TO THE LANDSCAPE AROUND THE WATER FACILITY, AND WITH THE STIPULATION THEY ADD TWO GATES ALONG EAST ARABIAN PARK DRIVE AND 142ND WAY. SECOND BY VICE CHAIRMAN POTTER.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

38-DR-1993#3

Macayos Scottsdale Office Suites
Site plan and elevations
11111 N. Scottsdale Road
Scott K Lang – SKL and Associates
Architect/Designer

MS. WAUWIE presented this case as per the project coordination packet. Staff recommends approval subject to the attached stipulations.

(COUNCILMAN O'HEARN OPENED PUBLIC TESTIMONY.)

DAVID ABRANOVIC, 11029 N. 73RD Street, thanked the Board for allowing them to come and express their views. He stated he lives directly east of the proposed development. He further stated he has been a resident there since 1994. He reported he has two small children who live in that home. The reason he took time to come down here is because he strongly believes the zoning height of 27 feet is completely inappropriate and is inconsistent with the adjoining neighborhood. Not only is the height excessive but the topography is lower as you go east which allows for the occupants of the office building to be viewing into the backyards along the east side of 73rd street. He noted this building will obstruct the views of Camelback Mountain. He concluded he strongly objects to a two-story office building at this location.

COUNCILMAN O'HEARN inquired if Mr. Abranovic has had any conversations with the owner or developer about these concerns. Mr. Abranovic stated a meeting was held several weeks ago and there was a discussion regarding installing landscaping as a barrier. He further stated his concern is that it would be doubtful that the landscaping would be sufficient to address the concerns of privacy.

Councilman O'Hearn stated it was his understanding that the overall height would be restricted to 24 feet but Mr. Abranovic mentioned 27 feet. Ms. Wauwie reviewed the zoning ordinance for building height and discussed the method for measuring noting it does meet the height requirement. Councilman O'Hearn noted it is not within the purview of this Board to restrict heights because they are allowed under the current zoning. He further noted the Board could discuss mitigation or landscaping.

Councilman O'Hearn asked the distance between the east property line to the building. Ms. Wauwie replied 87 feet. She noted the applicant has prepared view lines for the Board to review.

MICHELLE TOMA, 11020 N. 73rd Street, stated she lives directly next to the lot in question. She stated as the building plans exist there is a large expanse of windows on the second story looking down into their backyards. She reported

their three children and their friends play in the backyard daily and they are very concerned for their safety. She further reported they live in a time where parents cannot underestimate the unknown threat to their children. She commented children are abducted regularly. She further commented the private park like environment they have created for their children is in jeopardy. She noted their first choice would be that his would be a one-story building but they have been told that is not possible. She further noted she would like to address ways to ensure their continued privacy. The first suggestion would be to have a setback as far as possible. The second suggestion would be to have less windows on the second story on the east side. The third suggestion would be create a significant landscape buffer to block a clear view of their properties. She concluded she felt strongly that their privacy is in jeopardy.

AMY POWERS, 11010 N. 73rd Street, stated she lives directly behind this proposed office building. She thanked the property manager for meeting with them. She presented examples of situations that occur in her backyard that she would not desire the occupants of this office building to watch. She expressed her concerns regarding having a two-story office building looming over her private backyard. She read a letter representing her and her husband's concerns regarding the impact this office building will have on their neighborhood and its established character. It was noted this project would be a detriment to the neighborhood. The letter provided background history on this parcel of land. She stated it is important that there is a stipulation in place that would ensure privacy for the neighbors. According to a prior case, they are required to provide mature landscaping along the east side. Mature landscaping to ensure that a person standing on the second story looking down cannot see directly into their backyards. She inquired about the status of the trails system that was supposed to be built in the back of the property. She concluded there is unfinished business to be cleared up before the DR Board can approve this project.

(COUNCILMAN O'HEARN CLOSED PUBLIC TESTIMONY.)

SCOTT LANG, SK Lang Associates, architect, stated this case was approved in 1993 with stipulations for an 87 foot setback and limiting the height to 24 feet. He discussed how they measured the height. He further stated the primary neighborhood concern throughout the meetings was regarding the visual impact into their rear yards. He noted they prepared a sight line study. He further noted the entire property line has been planted as stipulated in the original DR approval. He remarked there is a reduction in the windows and there is not a continuous band of window space. He felt they could mitigate the problem of the view from the second story into the rear yard with filling the voids in the existing landscaping.

COUNCILMAN O'HEARN stated the bottom line is the neighbors are looking for assurance that when this building is built that people working on the second floor

will not be able to look down into their backyards. He further stated they should only be able to see foliage. He remarked he knows they cannot sell office space without windows.

MR. LANG remarked they were late in the game regarding addressing the neighbors concerns and as it sits there are some voids in the landscaping. He further remarked they are more than willing to work with the neighbors to provide sufficient landscaping along the property line.

COUNCILMAN O'HEARN stated a stipulation needs to be drafted that states when this building is constructed that that they would not be able to see into the backyards from the second story office building because there would be substantial landscaping put in place. Ms. Wauwie stated she does not have a stipulation prepared but they would need to specify the size, species and spacing and the planting height of the trees. Councilman O'Hearn stated he felt everyone deserves their privacy and people working in this office building should not be entertained by watching these families' activities. He further stated the stipulation should state before the Certificate of Occupancy is issued they must determine people in the office building cannot see down into these peoples yards. Ms. Shewak remarked they need to start with very measurable standards.

MS. GALE stated she could not support this building with the proposed amount of glass on the east elevation. She further stated she felt it does create a dangerous situation with the neighbors. She inquired if they could achieve the light for this office by not allowing any windows lower than six feet from the floor level. Mr. Lang stated as a matter of economics they cannot lease these offices without windows but the views can be mitigated with landscaping. Ms. Gale commented she cannot support this request because she felt there was too much glass on the east side.

MR. SCHMITT stated he understands Ms. Gale's comments. He further stated he felt the better solution to solve the problem rather than eliminating more windows would be to landscape the perimeter of the property. He added he felt the applicant and the neighbors would be happy with this solution.

MR. SODEN inquired if any of the neighbors have raised issues regarding the glare from the lighting. Mr. Lang stated there have not been any concerns voiced about the existing lighting.

Mr. Soden inquired how many voids there currently were in the landscaping. Mr. Lang replied there or four. Mr. Soden suggested they use fast growing trees. He also suggested they use multiple barriers of foliage. Against the property line could be the first buffering area; one in the parking lot, and increase the foliage along the adjacent property line.

VICE CHAIRMAN POTTER stated he would concur with Mr. Soden's suggestion to use multiple barriers of foliage. He further stated they would never be able to achieve 100 percent negation of views because you have trees growing irregularly and breaking limbs. He noted he felt if they could negate the views by 95 percent that would be successful. He further noted he would encourage them to look for varieties that will quickly screen close to the building so when people are looking out they are seeing foliage that is 10 to 15 feet from the window line and will essentially block their views relatively quickly.

MR. CORTEZ stated since this is a pad improvement, he would suggest they stipulate on the east property line they install the landscaping at the beginning rather than the end to allow for the addition 8 to 12 months of growth. Mr. Lang stated that would be acceptable.

Mr. Cortez inquired about the second story awning. Mr. Lang stated it would be a metal trellis.

COUNCILMAN O'HEARN stated his approval of this case would be contingent on the applicant's commitment to ensure the mature landscaping will be installed that form natural barriers and that they are maintained to ensure the views from the office building are blocked.

Councilman O'Hearn stated there was a public comment regarding the status of the trails. Ms. Wauwie stated the site was rezoned in 1993 and the trails stipulation from the previous case was not carried forward so there are no trails planned to go through this property.

MR. LANG stated the existing pole lighting that was installed went in under a different criteria than exists now. He further stated they would like to request they be allowed to leave the lighting as it exists and they address the lighting for the improvements. He reported there has not been any negative response from the neighbors regarding the exiting lighting. Councilman O'Hearn stated since he does not hear any objection from the Board and there have not been any objections voiced by the neighbors regarding the lighting he felt the applicant should be allowed to keep the current lighting.

MS. WAUWIE stated a stipulation would be added to Wall Design on Page 4, stipulation No. 2 as follows:

- Wall to be extended along the east property line from the existing wall to the existing wall that is located in the right-of-way of 74th Street.

Ms. Wauwie stated the new stipulation under the Landscaping Section would read as follows:

- With the objective to provide screening from the second-story offices to the residences to the east side of the site, there shall be landscaping installed with 48-inch box tree species to create a visual barrier to residents to the east, and with a double row of trees installed where possible; and the plum tree species shall be replaced with a tall fast-growing species. The installation shall include multiple barriers with the landscape planter along the east property line; the parking lot with planter finger islands; the landscaping along the building; and the verticality of the tree species to selected to replace the plum species. Plantings shall be installed in the existing planters located on the east side of the existing eastern-most parking lot pavement not later than May 23, 2003 and the other landscaping shall be installed with the construction of the proposed building.

MR. SODEN MOVED TO APPROVE CASE 38-DR-1993#3 WITH THE TWO STIPULATIONS RELATING TO LINE OF SITE AND THE OTHER RELATED TO THE WALL AS READ BY MS. WAUWIE. SECOND BY MR. CORTEZ.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ONE (1) WITH MS. GALE DISSENTING.

MS. WAUWIE stated the Board would need to either continue with the same two members who have been serving on the committee for the Valley Ho with the Historic Preservation Commission or to request other Board members to participate. She further stated they need two Board members to help them out with that effort. Ms. Gale and Mr. Soden volunteered to continue serving in that capacity.

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale Development Review Board was adjourned at 3:10 p.m.

Respectfully Submitted

"For the Record" Court Reporters